

**SENATE AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 1999 SENATE BILL 125**

March 14, 2000 – Offered by COMMITTEE ON JUDICIARY AND CONSUMER AFFAIRS.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 8, line 23: after that line insert:

3 “**SECTION 16d.** 342.12 (4) (a) of the statutes is amended to read:

4 342.12 **(4)** (a) The district attorney shall notify the department when he or she
5 files a criminal complaint against a person who has been arrested for violating s.
6 346.63 (1) or (2), 940.09 (1) or 940.25 and who has ~~2~~ 3 or more prior convictions,
7 suspensions or revocations, as counted under s. 343.307 (1). Except as provided
8 under par. (c), the department may not issue a certificate of title transferring
9 ownership of ~~any~~ the motor vehicle owned by the person and involved in the violation
10 upon receipt of a notice under this subsection until the court assigned to hear the
11 criminal complaint issues an order permitting the department to issue a certificate
12 of title.

1 **SECTION 16g.** 342.12 (4) (b) of the statutes is amended to read:

2 342.12 **(4)** (b) Except as provided under par. (c), the department may not issue
3 a certificate of title transferring ownership of any the motor vehicle owned by a
4 person and involved in the violation upon receipt of a notice of intent to revoke the
5 person's operating privilege under s. 343.305 (9) (a), if the person has ~~2~~ 3 or more
6 prior convictions, suspensions or revocations, as counted under s. 343.307 (1), until
7 the court assigned to the hearing under s. 343.305 (9) issues an order permitting the
8 department to issue a certificate of title.

9 **SECTION 16j.** 342.12 (4) (c) 1. (intro.) of the statutes is amended to read:

10 342.12 **(4)** (c) 1. (intro.) The department shall issue a certificate of title
11 transferring ownership of a motor vehicle that was ~~owned by a person who has~~
12 ~~received a notice of intent to revoke the person's operating privilege under s. 343.305~~
13 ~~(9) (a) or has been arrested for violating s. 346.63 (1) or (2), 940.09 (1) or 940.25 and~~
14 ~~who has 2 or more prior convictions, suspensions or revocations, as counted under~~
15 ~~s. 343.307 (1), subject to the restrictions under par. (a) or (b) if all of the following~~
16 ~~conditions are met:".~~

17 **2.** Page 10, line 24: delete lines 24 and 25 and substitute:

18 "343.30 **(1q)** (b) 3. Except as provided in subd. 4m., if the number of convictions
19 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
20 convictions, suspensions and revocations counted under s. 343.307 (1) within a
21 10-year period, equals 2, the court shall revoke".

22 **3.** Page 11, line 6: delete lines 6 to 16.

23 **4.** Page 13, line 14: delete "by certified mail to the owner of the motor vehicle
24 and".

1 **5.** Page 15, line 20: delete the material beginning with that line and ending
2 with page 16, line 3.

3 **6.** Page 17, line 5: delete lines 5 and 6 and substitute:

4 “343.305 **(10)** (b) 3. Except as provided in subd. 4m., if the number of
5 convictions under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus the total
6 number of other convictions, suspensions and revocations counted under s. 343.307
7 (2) within a 10–year period, equals 2, the court shall revoke”.

8 **7.** Page 17, line 17: delete the material beginning with “After” and ending with
9 “343.307.” on line 20.

10 **8.** Page 18, line 10: delete lines 10 to 25.

11 **9.** Page 19, line 2: delete lines 2 and 3 and substitute:

12 “343.31 **(3)** (bm) 3. Except as provided in subd. 4m., if the number of convictions
13 under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus the total number of
14 suspensions, revocations and other convictions counted under s. 343.307 (1) within
15 a 10–year period, equals 2, the”.

16 **10.** Page 19, line 23: delete lines 23 and 24 and substitute “nor more than 6
17 months if the total number of prior convictions under ss. 940.09 (1) and 940.25 in the
18 person’s lifetime, plus the total number of prior suspensions, revocations and other
19 convictions counted under s. 343.307 (1) within a 10–year period, equals 2 ~~within a~~
20 ~~10–year period.~~”.

21 **11.** Page 21, line 11: delete “(4)”.

22 **12.** Page 24, line 6: delete lines 6 and 7 and substitute “if the total number of
23 prior convictions under ss. 940.09 (1) and 940.25 in the person’s lifetime, plus the

1 total number of prior other convictions, suspension and revocations counted under
2 s. 343.307 (2) within a 10-year period, equals 2 within a 10-year period.”.

3 **13.** Page 24, line 17: delete “(4)”.

4 **14.** Page 27, line 23: after that line insert:

5 “**SECTION 62d.** 346.65 (6) (k) of the statutes is amended to read:

6 346.65 **(6)** (k) Except as provided in par. (km), no person may transfer
7 ownership of any motor vehicle that is subject to ~~immobilization or seizure or to~~
8 ~~equipping with an ignition interlock device~~ under this subsection or make
9 application for a new certificate of title under s. 342.18 for the motor vehicle unless
10 the court determines that the transfer is in good faith and not for the purpose of or
11 with the effect of defeating the purposes of this subsection. The department may
12 cancel a title or refuse to issue a new certificate of title in the name of the transferee
13 as owner to any person who violates this paragraph.”.

14 **SECTION 62f.** 346.65 (6) (km) of the statutes is amended to read:

15 346.65 **(6)** (km) If a person purchases a motor vehicle in good faith and without
16 knowledge that the motor vehicle was subject to ~~immobilization or seizure or to~~
17 ~~equipping with an ignition interlock device~~ under this subsection and the
18 department has no valid reason for not issuing a certificate of title other than the
19 prohibition under par. (k), the department shall issue a new certificate of title in the
20 name of the person requesting the new certificate of title if at the time of the purchase
21 of the motor vehicle the certificate of title did not contain the notation stamped on
22 the certificate of title by the clerk of circuit court under par. (a) 2m. and if the person
23 submits the affidavit required under s. 342.12 (4) (c) 1. c.

24 **SECTION 62h.** 346.65 (6) (m) of the statutes is repealed.”.

- 15.** Page 29, line 17: delete lines 17 to 20.
- 16.** Page 30, line 3: delete “(b)” and substitute “(a)”.
- 17.** Page 30, line 5: delete “(c)” and substitute “(b)”.
- 18.** Page 36, line 24: delete “, (1q) (b) 3. and (h),” and substitute “and (1q) (b)
3.,”.
- 19.** Page 36, line 24: delete “(8)”.
- 20.** Page 36, line 25: delete “(c) 1.,”.
- 21.** Page 36, line 25: delete “343.307 (4),”.
- 22.** Page 37, line 9: after “sections” insert “342.12 (4) (a), (b) and (c) 1. (intro.),”.
- 23.** Page 37, line 10: delete “and (d)” and substitute “, (d), (k), (km) and (m)”.
- 24.** Page 38, line 7: after “sections” insert “342.12 (4) (a), (b) and (c) 1. (intro.),”.
- 25.** Page 38, line 8: delete “and (d)” and substitute “, (d), (k), (km) and (m)”.
- (END)**